

Initial Renovation, Repair & Painting (RRP) Rule Inspection Report
EPA Region 2
Division of Enforcement and Compliance Assistance (DECA)
Pesticides and Toxic Substances Branch (PTSB), Lead Team

I. Facility: **Bluecrest Construction Inc.**
Avraham Ackerman, Chairman of the Board
368 New Hempstead Road # 318
New City, New York 10956

Management Company:
Prospect Management
199 Lee Ave., Suite 162
Brooklyn, New York

Site:
400 Clinton Street
Brooklyn, New York

II. Date of Inspection: May 14, 2014

III. EPA Inspectors: Bob Fitzpatrick, Environmental Scientist
Royal Carroll, SEE Inspector

Robert Carroll
11/5/14

IV. Purpose of Inspection:

This TSCA inspection was conducted to inspect, document and verify compliance with the Renovation, Repair & Painting (RRP) Rule codified at 40 C.F.R. 745.

V. Pre-Inspection/Background Information:

Reviewed NYC Department of Buildings permit # 320932728-01-EW-OT that was taped to the door. The permit was issued on 02/26/2014 and expires on 07/27/14. Business Information on the permit lists Bluecrest Construction Inc. and Contractor No: GC-603534. The permit is issued to Akiva Huffman. The permit states that it is for Alteration type 2-Gen. Constr. Miscellaneous renovations in Apts. 1D, 1st floor, 5A, 5D, 5th floor and 6E 6th floor. Work to include finishes in kitchen & bathroom. Construct new bathroom in Apt. 5A 5th floor. No change to use, egress, nor occupancy. This target housing was built in 1932.

Two IRL's and a NOW letter were sent to Bluecrest Construction prior to the inspection. they have failed to respond to all three documents. The FLPP database was checked and Bluecrest Construction is not a Certified RRP firm.

VI. Opening Conference and Interview:

On May 14, 2014, a Renovation, Repair & Painting (RRP) Rule inspection was conducted at the above address. The inspectors entered the site and met with Mr. Kmail Hines, Superintendent for 400 Clinton Ave. We asked him if construction/renovation work was being conducted in the facility by Bluecrest Construction and he said "yes" and then introduced us to the Supervisor for Bluecrest Construction, Mr. Fabio T. Paredes. We introduced ourselves, showed our credentials to Mr. Paredes and explained that we were here to conduct a compliance inspection because of a complaint that we received. Mr. Hines and Mr. Paredes then signed separate Notices of Inspection. We asked Mr. Paredes to give us an overview of the construction taking place, he responded that he was gut renovating all four apartments including installing approximately ten new windows in each apartment. We then went to Apts. 1D, 5A and D and found newly renovated apartments with new sheetrock installed and either painted or getting ready to be painted sheetrock. Apt. 6E was in disrepair, new windows were delivered to the apartment for installation.

Mr. Paredes stated that he was a Certified Renovator and showed us his card, Certification # R-1-19835-13-0033. Mr. Paredes stated that Bluecrest Construction is not a Lead Certified Firm, that they did not conduct lead testing, they did not post warning signs, did not conduct and document training to the workers on-site, did not conduct any Lead Safe Work Practices or give anyone a pamphlet.

VII. Review of Files /Available Documents:

A photograph of Mr. Paredes Lead Renovator Certification and New York State driver's license was taken.

VIII. Closing Conference:

We informed Mr. Paredes that the apartment renovations were target housing (pre-1978) and subject to the Lead Based Paint Rule. That Bluecrest Construction was required to be a Certified Firm, and that they needed to follow the Lead Safe Work practices. We asked Mr. Paredes to call Mr. Ackerman on the phone so we could talk to him but Mr. Paredes said he didn't have his phone number. We asked for Mr. Ackerman's business address and phone

number and Mr. Paredes said that he didn't have that information. We then asked him how he conducts business with Mr. Ackerman and gets work assignments and Mr. Paredes stated that he meets him on a street corner in Brooklyn. We then left the jobsite

VIII. Post Inspection Activities:

None.

Attachments

Photographs

NOI



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

DATE

5-14-14

INSPECTION NO.

F16373

DAILY SEQ. NO.

001

3. FACILITY NAME

BLUECREST CONSTRUCTION
WORK AT:

2. INSPECTOR'S ADDRESS

4. FACILITY ADDRESS

400 CLINTON STREET
BROOKLYN NY

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

Under the authority of Section 11 of the Toxic Substances Control Act:



For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyances being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures, or articles within, or associated with, such premise or conveyance have been complied with.



In addition, this inspection extends to (check appropriate blocks):



A. Financial data



D. Personnel data



B. Sales data



E. Research data



C. Pricing data

ACCOMPLISHED BY ROYAL CLARK
#0025

The nature and extent of inspection of such data specified in A through E above is as follows:

INSPECTOR'S SIGNATURE

NAME

ROBERT FITZPATRICK

TITLE

ENVIRONMENTAL
SCIENTIST

DATE SIGNED

5-14-14

RECIPIENT'S SIGNATURE

NAME

TITLE

DATE SIGNED



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

DATE **5-14-14** INSPECTION NO. **F 16373** DAILY SEQ. NO. **001**

3. FACILITY NAME

BLUECREST CONSTRUCTION
WOODBRIDGE

2. INSPECTOR'S ADDRESS

EPA - Region 2
2830 Woodbridge Ave.
Lead Team - MS 225
Princeton, NJ 08537

4. FACILITY ADDRESS

400 CLINTON STREET
BROOKLYN NY

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☒ In addition, this inspection extends to (check appropriate blocks):

- ☐ A. Financial data ☐ D. Personnel data
☐ B. Sales data ☐ E. Research data
☐ C. Pricing data

ACCOMPANIED BY
ROYAL CARROLL "0025"

The nature and extent of inspection of such data specified in A through E above is as follows:

INSPECTOR'S SIGNATURE

Robert Fitzpatrick

RECIPIENT'S SIGNATURE

Kenneth L. Hines

NAME

Robert Fitzpatrick

NAME

KEN L. HINES

TITLE

Environmental Scientist

DATE SIGNED

5/14/14

TITLE

SUPER

DATE SIGNED

5/14/14



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION

DATE 5-14-14 INSPECTOR NO. F16373 DAILY SEQ. NO. 001

4. FACILITY NAME

BLUZZCAST CONSTRUCTION
WORK AT

2. INSPECTOR'S NAME

ROBERT FITZPATRICK

5. ADDRESS

400 CLINTON STREET
BROOKLYN NY

3. INSPECTOR'S ADDRESS

USEPA-Region 2
2890 Woodbridge Avenue
Lead Team - MS 225
Edison, NJ 08837

6. NAME OF CHIEF EXECUTIVE OFFICER

7. TITLE

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).

3. The information is not publicly available elsewhere.

4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

Michael Bious, TSCA CBI Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, NJ 08837

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

SIGNATURE

X Michael Hines

NAME

NAME

X Michael Hines

TITLE

TITLE

X Super

DATE SIGNED

5/14/14

ADDRESS



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

DATE

5-14-14

INSPECTION NO.

PRV 372

DAILY SEQ. NO.

001

3. FACILITY NAME

ELI LILLY AND COMPANY
INDIANAPOLIS, IN

2. INSPECTOR'S ADDRESS

USEPA - Region 2
2890 Woodbridge Ave.
Lead Team - MS 225
Edison, NJ 08837

4. FACILITY ADDRESS

400 CLINTON STREET
PHILADELPHIA, PA

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REASON FOR INSPECTION

Under the authority of Section 11 of the Toxic Substances Control Act:



For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyances being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures, or articles within, or associated with, such premise or conveyance have been complied with.



In addition, this inspection extends to (check appropriate blocks):



A. Financial data



D. Personnel data



B. Sales data



E. Research data



C. Pricing data

The nature and extent of inspection of such data specified in A through E above is as follows:

INSPECTOR'S SIGNATURE

NAME

TITLE

DATE SIGNED

RECIPIENT'S SIGNATURE

NAME

TITLE

DATE SIGNED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAY 13 2014

MAY 13 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number: 7001 0320 0004 5645 2087

Mr. Akiva Huffman
Bluecrest Construction Inc.
368 New Hempstead Road # 318
New City, New York 10956

RE: Request for Information by U.S. Environmental Protection Agency, Region 2

Dear Mr. Huffman:

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children. The Renovation Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools (target housing) be certified by EPA and that they use certified renovators who are trained by EPA-accredited training providers to follow lead-safe work practices. Failure or refusal to comply with the RRP Rule is a prohibited act under TSCA §409, 15 U.S.C. §2689, that could result in the assessment of a fine.

A referral from an inspection conducted by the New York City Department of Health and Mental Hygiene on 04/10/2014 was forwarded to the EPA. Open public permit information shows that renovations subject to the RRP ruling may have been conducted by you, your firm, or on your behalf, at 400 Clinton Street, Brooklyn, New York. Our records indicate that this address meets the definition of target housing; therefore, any renovations are regulated under the RRP Rule, section 402(c) of the Toxic Substances Control Act (TSCA).

Several enclosures have been included with this letter:

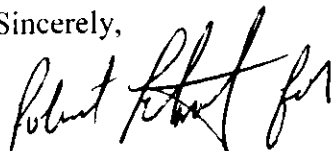
- A list of questions regarding the above mentioned renovation activities. Your answers to these questions will be evaluated by the U.S. Environmental Protection Agency (EPA) to determine your level of compliance with the Renovation, Repair, and Painting (RRP) Rule.
- An affidavit, which must be completed and returned along with your response and any documents that you provide.
- EPA Form 7740-4, TSCA Inspection Confidentiality Notice. Please sign and return this form with your response. This form is to acknowledge your right to claim information collected by the EPA as confidential if it relates to trade secrets or to commercial or financial matters that you consider to be confidential business information (CBI). It does not mean that you have made such a claim.
- A compliance assistance package to provide you with more information about the RRP Rule requirements.

The above information should be submitted within **twenty (20) business days of receipt of this letter**. Please note that detailed instructions for submitting the requested information can be found on the enclosed list of questions.

If you have any questions, you may contact Robert Fitzpatrick at 732-321-6731 or at fitzpatrick.robert@epa.gov. The following website includes useful information about the RRP Rule: <http://www.epa.gov/lead/>. Additional information about the RRP Rule requirements can be found in the official regulation text which is available by searching 40 CFR 745 Subpart E at www.ecfr.gov.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman", written over a horizontal line.

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosures

Questions Regarding Renovations conducted at:
394-400 Clinton Street, Brooklyn, New York

To assist EPA in evaluating your compliance, please provide a written response including the following information and any other information that you believe to be relevant:

1. A copy of your RRP Individual training certificate issued by an EPA-accredited training provider.
2. A copy of your RRP Firm Certificate.
3. A list of certified renovators (individuals) and /or subcontractors that were employed by your firm, that were assigned to this project, and copies of their training certificates issued by EPA-accredited training providers.
4. A list of all workers and/or subcontractors assigned to each project and copies of their training certificates issued by EPA-accredited training providers.
5. A description of the renovation work done by your firm or by firms on your behalf (e.g., subcontractors) from. In addition to a general description or scope of work, please indicate:
 - a) The original date of construction for the building your firm was contracted to renovate;
 - b) The name(s), address (es), and the scope(s) of work or copy (ies) of written contracts, for each entity with which you contracted work for renovations at the above referenced address. Include the start and end dates for each phase of work;
 - c) Emergency conditions, if any, that contributed to the need for renovation;
 - d) The approximate square footage (interior and exterior) of painted surfaces disturbed by the renovation; and
 - e) The type of areas that were renovated (e.g., two-bedroom apartments, studio apartments, common hallways, stairs, lobbies, exterior surfaces, etc.).
 - f) Describe any demolition or window replacement activities.
6. Copies of documentation signed by the owner or occupant of the property that was renovated acknowledging that the pamphlet "*Renovate Right – The Lead Safe Guide to Renovate Right*" was distributed.
7. Copies of any information relating to lead paint in the renovated property, including but not limited to: a) Test results of lead-based paint; and b) Paint-related violation notices from state or local agencies.
8. Indicate whether or not this work was conducted in Federally-assisted housing or was paid for in full or in part with Federal funds. Please identify any agencies involved, if applicable.
9. Proof of payment for services rendered.

Please note that all the above questions must be answered. Failure to answer each question fully will result in a determination that your response to the Information Request Letter is incomplete. If information is not known or is not applicable, you should state this in your answer.

Please submit all of the public (non-confidential) information and documents requested within **twenty (20) business days** to the following address:

Robert Fitzpatrick
U.S. Environmental Protection Agency
Region 2 Lead Team
2890 Woodbridge Ave MS 225
Edison, New Jersey 08837

If any of the information that you are submitting is Confidential, as described in the enclosure, "TSCA Inspection Confidentiality Notice" (EPA Form 7740-4), please state that in the cover letter to be included with the confidential information and follow these instructions:

- All information to be claimed "confidential" must be clearly identified as such by means of a stamp or similar marking on each page.
- The confidential information should be placed in an envelope and sealed. The outside of this envelope should be labeled as follows:

Michael Bious, Document Control Officer
Confidential information – to be opened by addressee only

- The sealed envelope should be placed in a mailer envelope and sent to:

Michael Bious
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue MS 105
Edison, NJ 08837

- The mailer envelope should NOT indicate that the contents are confidential. No confidential information should be sent to Robert Fitzpatrick, who was identified in the enclosed cover letter. It is recommended that all confidential information be sent to EPA using a traceable delivery service. Do not send confidential information through electronic mail.

Please be advised that failure to provide the information requested may result in the issuance of a subpoena pursuant to Section 11 of TSCA, 15 U.S.C. § 2610(c), to obtain the requested information. EPA reserves the right to further pursue this matter and to inspect your place of business to ensure compliance with federal lead-based paint regulations. In addition, be advised that knowingly making any false statement or omission may result in penalty and/or imprisonment pursuant to TSCA, 18 U.S.C. §1001.

If you have any questions, please contact Robert Fitzpatrick at 732-321-6731 or Fitzpatrick.robert@epa.gov.

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 2**

Mr. Akiva Huffman
Bluecrest Construction Inc.
368 New Hempstead Road # 318
New City, New York 10956

AFFIDAVIT OF COMPLETENESS AND ACCURACY

I/We, the undersigned affiant(s), first being duly sworn, upon an oath, depose and say:

1. Attached hereto are _____ pages of photocopies of documents or records requested by the Environmental Protection Agency (EPA) which are being produced along with this affidavit in response to the Information Request. These attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of: _____, the address of which is: _____.
2. The records involved (of which the attached pages are true copies) were received and/or kept in the usual course of regularly conducted business of the entity listed in paragraph 1 above and were relied upon by me and others for the purpose of conducting everyday affairs. I further attest that these records were prepared at or near the time of the events to which they relate.
3. I have made a diligent search and inquiry for all records which are described in the Information Request to which this affidavit responds. Furthermore, I have no knowledge of any other documents or records coming within the description set forth in the said Information Request which have not been copied and submitted along with this affidavit.
4. All responses to the inquiries contained in the aforementioned Information Request are true, complete and accurate. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

Signature : _____

Date: _____

Print Name: _____

Title: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this _____ day of _____, _____.

Notary Public
In and for the State or Territory of _____



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION			4. FACILITY NAME
DATE	INSPECTOR NO.	DAILY SEQ. NO.	
2. INSPECTOR'S NAME			5. ADDRESS
3. INSPECTOR'S ADDRESS USEPA-Region 2 2890 Woodbridge Avenue Lead Team - MS 225 Edison, NJ 08837			6. NAME OF CHIEF EXECUTIVE OFFICER
			7. TITLE

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TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

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2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
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The statement from the Chief Executive Officer should be addressed to:

Michael Bious, TSCA CBI Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, NJ 08837

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE I acknowledge receipt of this notice:		If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.
SIGNATURE		
NAME		TITLE
TITLE	DATE SIGNED	ADDRESS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Akiva Huffman
Bluecrest Construction Inc.
368 New Hempstead Road # 318
New City, New York 10956

2. Article Number

(Transfer from service label)

7001 0320 0004 5645 2087

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Received

X Commercial Mail Receiving Agency

☐ Agent
☐ Addressee

B. Received by (Printed Name)
Packaging Express Plus

C. Date of Delivery
5/16/14

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

US EPA-Region 2

Lead Team - MS 225

2890 Woodbridge Ave.

Edison, NJ 08837

RECEIVED

MAY 19 2014

R2 LEAD TEAM

RF





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

JAN 31 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number: 7012 2210 0001 2356 0507

Mr. Akiva Huffman
Bluecrest Construction
12 North Sherri Lane
Spring Valley, New York 10977

NOTICE OF WARNING

RE: Failure to Respond to Information Request Letter

Dear Mr. Huffman:

You have failed to submit a written response to the letter requesting information regarding 400 Clinton Street, Brooklyn, New York, sent to you by the United States Environmental Protection Agency (EPA) on August 13, 2013.

A copy of the letter is enclosed for your convenience. Please respond to the letter within the next 15 business days. If you fail to answer, EPA reserves the right to further pursue this matter and to inspect your place of business to ensure compliance with federal lead-based paint regulations in the coming calendar year. The regulations pertaining to the RRP Rule can be found at 40 C.F.R. 745 Subpart E Residential Property Renovation. Please be advised that pursuant to 40 C.F.R. 745.87:

(a) Failure or refusal to comply with any provision of this subpart is a violation of TSCA section 409 (15 U.S.C. 2689).

(b) Failure or refusal to establish and maintain records or to make available or permit access to or copying of records, as required by this subpart, is a violation of TSCA sections 15 and 409 (15 U.S.C. 2614 and 2689).

(c) Failure or refusal to permit entry or inspection as required by 40 CFR 745.87 and TSCA section 11 (15 U.S.C. 2610) is a violation of sections 15 and 409 (15 U.S.C.) for each violation.

(d) Violators may be subject to civil and criminal sanctions pursuant to TSCA section 16 (15 U.S.C. 2615) for each violation.

(e) EPA may conduct inspections and issue subpoenas pursuant to the provisions of TSCA section 11 (15 U.S.C. 2610) to ensure compliance with this subpart.

If you have any questions, please contact Beverly Solley at Solley.Beverly@epa.gov or 732-321-4373..

Sincerely,

John Gorman, Chief
Pesticides and Toxics Substances Branch

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

AUG 13 2013

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7012 2210 0001 2356 0866

Mr. Akiva Huffman
Bluecrest Construction
12 North Sherri Lane
Spring Valley, New York 10977

RE: Request for Information by U.S. Environmental Protection Agency, Region 2

Dear Mr. Huffman:

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children. The Renovation Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools (target housing) be certified by EPA and that they use certified renovators who are trained by EPA-accredited training providers to follow lead-safe work practices. Failure or refusal to comply with the RRP Rule is a prohibited act under TSCA § 409, 15 U.S.C. § 2689, that could result in the assessment of a fine.

An open permit showed that renovations were conducted by you, your firm, or on your behalf, at 400 Clinton Street, Brooklyn, New York. Our records indicate that this address meets the definition of target housing; therefore, any renovations are regulated under the RRP Rule, section 402(c) of the Toxic Substances Control Act (TSCA).

Several enclosures have been included with this letter:

- A list of questions regarding the above mentioned renovation activities. Your answers to these questions will be evaluated by the U.S. Environmental Protection Agency (EPA) to determine your level of compliance with the Renovation, Repair, and Painting (RRP) Rule.
- An affidavit, which must be completed and returned along with your response and any documents that you provide.
- EPA Form 7740-4, TSCA Inspection Confidentiality Notice. Please sign and return this form with your response. This form is to acknowledge your right to claim information collected by the EPA as confidential if it relates to trade secrets or to commercial or financial matters that you consider to be confidential business information (CBI). It does not mean that you have made such a claim.
- A compliance assistance package to provide you with more information about the RRP Rule requirements.

The above information should be submitted within **twenty (20) business days of receipt of this letter**. Please note that detailed instructions for submitting the requested information can be found on the enclosed list of questions.

If you have any questions, you may contact Beverly Solley at 732-321-4373 or at solley.beverly@epa.gov. The following website includes useful information about the RRP Rule: <http://www.epa.gov/lead/>. Additional information about the RRP Rule requirements can be found in the official regulation text which is available by searching 40 CFR 745 Subpart E at www.ecfr.gov.

Thank you for your cooperation in this matter.

Sincerely,



John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosures

Questions Regarding Renovations conducted at:
400 Clinton Street, Brooklyn, New York

To assist EPA in evaluating your compliance, please provide a written response including the following information and any other information that you believe to be relevant:

1. A copy of your RRP Individual training certificate issued by an EPA-accredited training provider.
2. A copy of your RRP Firm Certificate.
3. A list of certified renovators (individuals) and /or subcontractors that were employed by your firm, that were assigned to this project, and copies of their training certificates issued by EPA-accredited training providers.
4. A list of all workers and/or subcontractors assigned to each project and copies of their training certificates issued by EPA-accredited training providers.
5. A description of the renovation work done by your firm or by firms on your behalf (e.g., subcontractors) from. In addition to a general description or scope of work, please indicate:
 - a) The original date of construction for the building your firm was contracted to renovate;
 - b) The name(s), address (es), and the scope(s) of work or copy (ies) of written contracts, for each entity with which you contracted work for renovations at the above referenced address. Include the start and end dates for each phase of work;
 - c) Emergency conditions, if any, that contributed to the need for renovation;
 - d) The approximate square footage (interior and exterior) of painted surfaces disturbed by the renovation; and
 - e) The type of areas that were renovated (e.g., two-bedroom apartments, studio apartments, common hallways, stairs, lobbies, exterior surfaces, etc.).
 - f) Describe any demolition or window replacement activities.
6. Copies of documentation signed by the owner or occupant of the property that was renovated acknowledging that the pamphlet "*Renovate Right – The Lead Safe Guide to Renovate Right*" was distributed.
7. Copies of any information relating to lead paint in the renovated property, including but not limited to: a) Test results of lead-based paint; and b) Paint-related violation notices from state or local agencies.
8. Indicate whether or not this work was conducted in Federally-assisted housing or was paid for in full or in part with Federal funds. Please identify any agencies involved, if applicable.
9. Proof of payment for services rendered.

Please note that all the above questions must be answered. Failure to answer each question fully will result in a determination that your response to the Information Request Letter is incomplete. If information is not known or is not applicable, you should state this in your answer.

Please submit all of the public (non-confidential) information and documents requested within **twenty (20) business days** to the following address:

Beverly Solley
U.S. Environmental Protection Agency
Region 2 Lead Team
2890 Woodbridge Ave MS 225
Edison, New Jersey 08837

If any of the information that you are submitting is Confidential, as described in the enclosure, "TSCA Inspection Confidentiality Notice" (EPA Form 7740-4), please state that in the cover letter to be included with the confidential information and follow these instructions:

- All information to be claimed "confidential" must be clearly identified as such by means of a stamp or similar marking on each page.
- The confidential information should be placed in an envelope and sealed. The outside of this envelope should be labeled as follows:

Michael Bious, Document Control Officer
Confidential information – to be opened by addressee only

- The sealed envelope should be placed in a mailer envelope and sent to:

Michael Bious
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue MS 105
Edison, NJ 08837

- The mailer envelope should NOT indicate that the contents are confidential. No confidential information should be sent to Beverly Solley, who was identified in the enclosed cover letter. It is recommended that all confidential information be sent to EPA using a traceable delivery service. Do not send confidential information through electronic mail.

Please be advised that failure to provide the information requested may result in the issuance of a subpoena pursuant to Section 11 of TSCA, 15 U.S.C. § 2610(c), to obtain the requested information. EPA reserves the right to further pursue this matter and to inspect your place of business to ensure compliance with federal lead-based paint regulations. In addition, be advised that knowingly making any false statement or omission may result in penalty and/or imprisonment pursuant to TSCA, 18 U.S.C. § 1001.

If you have any questions, please contact Beverly Solley at 732-321-4373 or Solley.Beverly@epa.gov.

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**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 2**

Mr. Akiva Huffman
Bluecrest Construction
12 North Sherri Lane
Spring Valley, New York 10977

AFFIDAVIT OF COMPLETENESS AND ACCURACY

I/We, the undersigned affiant(s), first being duly sworn, upon an oath, depose and say:

1. Attached hereto are _____ pages of photocopies of documents or records requested by the Environmental Protection Agency (EPA) which are being produced along with this affidavit in response to the Information Request. These attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of: _____, the address of which is: _____.
2. The records involved (of which the attached pages are true copies) were received and/or kept in the usual course of regularly conducted business of the entity listed in paragraph 1 above and were relied upon by me and others for the purpose of conducting everyday affairs. I further attest that these records were prepared at or near the time of the events to which they relate.
3. I have made a diligent search and inquiry for all records which are described in the Information Request to which this affidavit responds. Furthermore, I have no knowledge of any other documents or records coming within the description set forth in the said Information Request which have not been copied and submitted along with this affidavit.
4. All responses to the inquiries contained in the aforementioned Information Request are true, complete and accurate. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

Signature : _____

Date: _____

Print Name: _____

Title: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this _____ day of _____, _____.

Notary Public
In and for the State or Territory of _____



EPA

US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION

DATE

INSPECTOR NO.

DAILY SEQ. NO.

4. FACILITY NAME

2. INSPECTOR'S NAME

5. ADDRESS

3. INSPECTOR'S ADDRESS

USEPA-Region 2
2890 Woodbridge Avenue
Lead Team - MS 225
Edison, NJ 08837

6. NAME OF CHIEF EXECUTIVE OFFICER

7. TITLE

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).

3. The information is not publicly available elsewhere.

4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

Michael Bious, TSCA CBI Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, NJ 08837

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

SIGNATURE

NAME

NAME

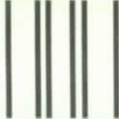
TITLE

TITLE

DATE SIGNED

ADDRESS

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

US EPA-Region 2

Lead Team - MS 225

**2890 Woodbridge Ave.
Edison, NJ 08837**

RECEIVED

MAY 19 2014

R2 LEAD TEAM

RF



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Akiva Huffman
Bluecrest Construction Inc.
368 New Hempstead Road # 318
New City, New York 10956

2. Article Number

(Transfer from service label)

7001 0320 0004 5645 2087

Domestic Return Receipt

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Received

X Commercial Mail Receiving Agency

☐ Agent
☐ Addressee

B. Received by (Printed Name)
Packaging Express Plus

C. Date of Delivery
5/16/14

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☒ Certified Mail
☐ Express Mail
☐ Registered
☐ Insured Mail
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Return Receipt for Merchandise

102595-01-M-2501